

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 009-06

Division	Date	Duty-On() Off(X)	Uniform-Yes() No(x)
Van Nuys	02/4/06		

Officer(s) Involved in Use of Force	Length of Service
Officer A	29 years, 2 months

Reason for Police Contact

An officer was off-duty when he encountered an armed suspect committing a crime, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 22 years of age.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent Subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 9, 2007.

Incident Summary

Officer A was off-duty and attired in plainclothes when he attempted to purchase an item at a supermarket. While standing in the check-out line, Officer A observed an individual in the next aisle, later identified as the Subject, point a gun at the cashier in the aisle directly in front of him and demand money from her register. Having observed the Subject's actions, Officer A believed that the Subject was committing armed robbery and that he could kill someone.

Officer A slowly unzipped his fanny pack and put his hands on his gun. The Subject then walked around the check stand, stood directly next to Officer A, and demanded money from the cashier. Fearing for her life, the cashier complied with the Subject's demands and placed an unknown amount of money into a backpack that the Subject was holding. The Subject then turned toward a second cashier and demanded money from him. Officer A then grabbed the Subject's gun and tried to disarm him.

During the struggle, the Subject pulled his handgun from Officer A's grasp, which caused Officer A to fall to his knees. The Subject then pointed the gun in Officer A's direction. Officer A believed the Subject was going to shoot him, so in fear of his life Officer A pointed his gun and fired three rounds at the Subject. The Subject ran away for several feet then collapsed on his stomach with his arms underneath his body.

Officer A approached the Subject and knelt near him asking where is the gun. The Subject directed Officer A where he could locate the gun, then Officer A stood up and recovered the Subject's gun. Officer A instructed a cashier to call the police. Officer A removed his badge and identified himself as a police officer. While Officer A monitored the Subject, the cashier told the operator an undercover officer had shot a robbery subject and that police should respond. Officer A then placed the Subject's gun in a plastic bag. Officer A requested an ambulance for the Subject.

Communications Division (CD) broadcast that a shooting occurred involving an off-duty officer, but did not relay Officer A's description. Officers B and C heard the radio call and responded to the location.

Upon their arrival at the location, Officer B deployed a shotgun while Officer C followed behind him without drawing his pistol.

Believing that there was a possibility of encountering an active shooter and that an off-duty officer was inside, the officers entered the supermarket without waiting for additional units to arrive. Once inside the supermarket, the officers observed Officer A standing behind the customer service counter and the Subject lying on his stomach. Officer A displayed his police identification while repeatedly identifying himself as a police officer and directed the officers to the customer service counter where he had placed the Subject's gun.

Officer C assessed the Subject's condition and noted the presence of blood. Officer C then searched the Subject for additional weapons. Once it was determined that the

Subject was not armed, the officers waited for additional units to arrive without handcuffing the Subject. Sergeant A, Officers D, E and F arrived shortly thereafter and noted that the Subject was not handcuffed. The officers approached the Subject and handcuffed him without incident while Sergeant A escorted Officer A out of the supermarket.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Officers A and C's actions to warrant training.

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that when Officer A stood in the supermarket checkout line, he observed the Subject point a gun at the cashier working the checkout line adjacent to him. The cashier removed the money from the cash register and placed it into the Subject's backpack. Officer A began to assess his tactical options and placed his hand on this pistol that was secure in his fanny pack around his waist.

The Subject proceeded to the next checkout line and stood directly next to officer A. The Subject then pointed his gun at the cashier working that checkout line and demanded that she place the money from the register into his backpack. Believing the Subject might shoot the cashier, Officer A drew his pistol from his fanny pack. Believing the Subject might shoot the cashier, Officer A drew his pistol and attempted to disarm

the Subject by grabbing his gun. The BOPC thought it would have been tactically safer for Officer A to refrain from becoming involved in a struggle with the Subject for the gun, which hindered his ability to maintain a tactical advantage.

After the officer-involved shooting, Officer A identified himself as a police officer and instructed a supermarket employee to close the front door and call 9-1-1. Officer A maintained a position of cover, and although Officer A had assessed the situation and determined that the immediate threat had been neutralized, he did not de-cock his pistol. The BOPC determined that it would have been tactically safer to have de-cocked his pistol to avoid the potential for a negligent discharge in the event he had to engage again with lethal force.

A supermarket employee called 9-1-1 from the customer service desk and informed the operator that an undercover officer shot a robbery suspect and requested the police to respond. When the supermarket employee informed Officer A that the 9-1-1 operator requested to speak to him, Officer A recovered the Subject's gun and walked to the cashier to speak on the phone with the operator. The BOPC thought that it would have been tactically safer for Officer A to have maintained his position of advantage and had the employee relay any information that was being requested by the operator.

The BOPC determined that during this rapidly unfolding incident, Officer A demonstrated a good presence of mind. Officer A felt compelled to act when he believed a citizen's life was in danger.

The BOPC noted that Officers B and C responded to a shooting radio call that involved an off-duty officer at a supermarket. Prior to entering the supermarket, Officer C elected not to draw his pistol. Due to the nature of the radio call and being a first responder, the BOPC determined that it would have been tactically safer for Officer C to draw his pistol prior to approaching the location. The BOPC noted that a prudent officer would recognize that the circumstances warranted a belief that the incident could escalate to the point where deadly force could be necessary.

Officers B and C then entered the location and observed Officer A standing behind the customer service counter and the Subject lying on his stomach in a prone position. Officer A displayed his police identification and repeatedly identified himself as a police officer. Officer C approached the Subject, knelt down beside him and searched him for weapons. The BOPC determined that it would have been tactically safer for Officer C to handcuff the Subject in an effort to maintain control of him before conducting the search.

In conclusion, the BOPC found Officers A and C's actions to warrant training.

B. Drawing/Exhibiting

The BOPC noted that the Subject entered the supermarket and pointed a gun at a cashier. In preparing to confront the Subject, Officer A drew his pistol.

The BOPC determined that Officer A had sufficient information to believe the situation might escalate to the point where deadly force may become necessary.

In conclusion, the BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC noted that when Officer A stood in the supermarket checkout line, he observed the Subject point a gun at the cashier located at the checkout line adjacent to him. The cashier removed the money from the cash register and placed it into the Subject's backpack. The Subject proceeded to the next checkout line and stood directly next to Officer A. The Subject then pointed his gun at the cashier working that checkout line and demanded that he place the money from the register into his backpack. Believing the Subject might shoot the cashier, Officer A drew his pistol and attempted to disarm the Subject by grabbing his gun.

The Subject wrestled his gun away from Officer A's grasp and the momentum caused Officer A to fall to his knees. The Subject obtained a seated position, pointed his gun at Officer A and jerked the gun forward as if he were attempting to fire. Believing the subject was going to shoot him, Officer A, while on his knees, fired three rounds at the Subject.

The BOPC determined that Officer A reasonably believed the Subject presented an immediate threat of serious bodily injury or death.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.